

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTORS TO REGISTER TO VOTE UNTIL THE DAY BEFORE AN ELECTION; REVISING REGISTRATION PROVISIONS FOR AN ELECTOR IN THE UNITED STATES SERVICE; REVISING THE TIME PERIOD DURING WHICH AN INACTIVE ELECTOR'S REGISTRATION MUST BE REACTIVATED; REVISING THE TIME PERIOD DURING WHICH A REGISTRATION MAY BE CHALLENGED BEFORE ELECTION DAY; REVISING THE TIME PERIOD AND METHOD FOR NOTIFYING OTHER COUNTIES AND STATES IN WHICH AN ELECTOR WAS PREVIOUSLY REGISTERED; AMENDING SECTIONS 13-2-212, 13-2-222, 13-2-301, 13-2-403, AND 13-2-515, MCA; REPEALING SECTION 13-2-215, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-212, MCA, is amended to read:

"13-2-212. Registration of electors in United States service. (1) An elector in the United States service who is absent from the state and the county of which the elector is a resident may register with the election administrator in the elector's county of residence ~~as follows:~~

~~(a)~~ by the close of registration provided for in 13-2-301, by using:

~~(i)(a)~~ the voter registration form;

~~(ii)(b)~~ the federal post card application; or

~~(iii)(c)~~ if eligible, the federal write-in ballot as provided in 13-13-271(3);

~~(b) after the close of registration, only by federal post card application, which must be received by the election administrator by noon on the day before the election.~~

(2) The form of the federal post card application must be prescribed by the secretary of state."

Section 2. Section 13-2-222, MCA, is amended to read:

"13-2-222. Reactivation of elector. (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

1 (a) appears in order to vote in a federal election;

2 (b) notifies the county election administrator in writing of the elector's current residence, which must be
3 in that county; or

4 (c) completes a reactivation form provided by the county election administrator that provides current
5 address information in that county.

6 (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election
7 administrator shall place the elector's name on the active voting list for that county.

8 (3) To be effective for a nonfederal election, a reactivation of an elector must be accomplished no later
9 than ~~30 days~~ the day before the election."

10
11 **Section 3.** Section 13-2-301, MCA, is amended to read:

12 **"13-2-301. Close of registration -- procedure.** (1) The election administrator shall:

13 (a) close registrations ~~for 30 days~~ on the day before any election; and

14 (b) publish a notice specifying the day registrations will close on radio or television, as provided in
15 2-3-105 through 2-3-107, or in a newspaper of general circulation in the county at least once a week for 3 weeks
16 before the close of registration.

17 (2) Information to be included in the notice must be prescribed by the secretary of state.

18 (3) An individual who submits a completed registration form to the election administrator before the
19 deadline provided in subsection (1)(a) is allowed to correct a mistake on the completed registration form until
20 5 p.m. on the ~~10th day following the close of registration, and the qualified elector is then eligible to vote in the~~
21 ~~next~~ before the election."

22
23 **Section 4.** Section 13-2-403, MCA, is amended to read:

24 **"13-2-403. Challenge of registration.** (1) ~~Forty-five~~ Seventy-four or more days before the close of
25 registration for an election, three registered electors of a precinct may challenge the registration of an elector
26 by filing affidavits giving the name of the elector whose registration is challenged, the address at which the
27 elector is registered, and a statement that the affiant has personal knowledge that the elector does not reside
28 at the address where registered.

29 (2) No later than 3 days after the filing of affidavits as provided in subsection (1), the election
30 administrator shall send written notice to the elector whose registration is challenged, at the address shown on

1 the registration form. The notice must state that registration will be moved to the inactive list within 15 days of
2 the filing of the affidavits unless the elector refutes the affidavits by submitting proof or a sworn statement that
3 the elector resides at the address given on the registration form.

4 (3) The election administrator ~~must~~ shall move to the inactive list the registration of an elector whose
5 registration is challenged under this section 15 days after the filing of the affidavits required in subsection (1)
6 unless proof or a sworn statement as required in subsection (2) is received.

7 (4) If an elector proves or swears that the elector resides at the address given on the registration form
8 after the registration has been moved to the inactive list as provided in this section, the elector's registration must
9 be moved to the active list. The registration is effective for the next election even though the registration for that
10 election is closed."

11
12 **Section 5.** Section 13-2-515, MCA, is amended to read:

13 **"13-2-515. Inquiry as to previous registration -- notices of changes.** (1) The election administrator
14 shall check each new registration to ascertain whether the elector has listed previous registration in another
15 county of this state or another state. If the elector has been previously registered, the election administrator shall
16 enter ~~his~~ the elector's name on a notice ~~or may photocopy the registration form.~~

17 (2) At least once a week and ~~not more than 3 days after the close of registration~~ on the day before the
18 election, the election administrator shall by facsimile transmission or electronic mail forward the notices ~~or~~
19 ~~photocopies~~ for counties in this state to the election administrator of the county where the elector was previously
20 registered. A list or other record ~~shall~~ must be kept of notices ~~or photocopies~~ sent.

21 (3) Once a month and ~~not more than 3 days after the close of registration~~ on the day before the election,
22 the election administrator shall by facsimile transmission or electronic mail forward the notices ~~or photocopies~~
23 for other states to the secretary of state or chief election official of the state where the elector was previously
24 registered. A list or other record ~~shall~~ must be kept of notices ~~or photocopies~~ sent."

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26 **NEW SECTION. Section 6. Repealer.** Section 13-2-215, MCA, is repealed.

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28 **NEW SECTION. Section 7. Effective date.** [This act] is effective October 1, 2004.

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